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AUG 11 1984

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OK

SITE D
967
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TO BE COMPLETED BY REQUESTOR

FROM W Loomfield OFFICE/DESK OSD/ISA PHONE NBR 697-5072
 SUBJECT DRAFT DEPSECDEF LETTER TO COHEN-BOREN

PAGES 2

DELIVERY INSTRUCTIONS:

- ☐ HOLD FOR NORMAL DUTY HOURS
☒ IMMEDIATELY

NOTE: FURNISH AFTER DUTY HOUR CONTACT TELEPHONE NUMBER
 FOR EACH ADDEE REQUIRING AFTER DUTY HOUR DELIVERY

TRANSMIT TO

AGENCY	INDIVIDUAL (NAME)	OFFICE	ROOM NBR	PHONE NBR
NSC	ALLISON FORTIER	OEOR	487	375-4682
CIA		OCA-DCI	7B14	

STAT

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REMARKS: we propose to have DepSec Taft sign this out, with copies
 to James Hyde-Cohen. COMMENTS? (NLT 1600 5 AUG PLS)

JCS J-3 FORM 8
JAN 84

REQUEST/RECEIPT FOR TRANSMISSION

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Cohen-Boren

Dear _____:

As Secretary Carlucci is traveling at present, I am responding to your letter of July 12, 1988, requesting contemporaneous documentary evidence of the Canadian Government's requirement that Congress not be notified prior to the 1980 exfiltration of six American citizens from Teheran.

By now, you will have learned from Judge Webster that a search of CIA files has uncovered no such documents. Indeed, Secretary Carlucci's reaction upon reading your letter was that he would be surprised if the Canadian requirement had been memorialized in any documentary form, given the extreme sensitivity of the matter. The Secretary has no such documents; nor does any office or individual in this Department. I understand, however, that Judge Webster has provided you with information about the Canadian requirement, based upon the recollections of CIA participants in a discussion with a representative of the Canadian Government in 1979.

I cannot explain the absence of any mention of this aspect of the exfiltration operation in the hearing records of the Senate and House Intelligence Committees, although the Carter Administration's inclination to downplay this particularly sensitive aspect of allied diplomacy would be understandable, if that is what occurred. Whether or not Canada's requirement was formally briefed to the committees, it is clear that at least one member of the HPSCI knew of it at the time. On April 8, 1987, Representative Norman Mineta testified before the HPSCI to that effect, based upon his recollections as a member of the HPSCI in 1980. It is this testimony to which Secretary Carlucci referred in his prepared testimony before the HPSCI Subcommittee on Legislation and the House Foreign Affairs Committee, on 10 March 1988 and 16 June 1988, respectively.

In my view, this fresh review of the facts surrounding the Canadian exfiltration has served to underscore the reality that extraordinary situations occur when legitimate covert action objectives call for greater Executive flexibility than is afforded by the proposed Intelligence Oversight Act of 1988, in its present form. The Canadian example also illustrates that a highly sensitive matter such as this is seen to require the utmost secrecy across the board, not merely in the Legislative Branch. The caricature, repeatedly heard from Members in recent Congressional hearings on this legislation, of scores -- or even hundreds -- of Executive Branch officials knowing of a covert action while the Congress was, so to speak, left in the dark, bears no relation to reality.

I hope that this case study will persuade you and your colleagues that the rare instance when a President exercises his discretion to preserve extreme secrecy temporarily does not necessarily equate with unworthy motives or poor judgment, but may instead be a sine qua non for the well being of American citizens in distress or, God forbid, the nation as a whole.

Sincerely,

WHT IV